United Nations S/AC.44/2004/(02)/156

Security Council

Distr.: General
28 December 2009
English
Original: Spanish

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 7 December 2009 from the Permanent Mission of the Dominican Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Dominican Republic to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to refer to his note of 16 July 2009. In that connection, in accordance with paragraph 4 of Security Council resolution 1540 (2004), it encloses the first report prepared by the Government of the Dominican Republic on the cooperative measures contained in its domestic legislation to prevent illicit trafficking in nuclear, chemical and biological weapons of mass destruction and their associated means of delivery (see annex).

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Annex to the note verbale dated 7 December 2009 from the Permanent Mission of the Dominican Republic addressed to the Chairman of the Committee

First preliminary report of the Dominican Republic on Security Council resolution 1540 (2004)

Introduction

Whereas the Dominican State, as a Member State of the United Nations, reaffirms its commitment to the implementation of Security Council resolution 1540 (2004) and the international treaties related to the non-proliferation of nuclear, chemical and biological weapons and their delivery systems, in accordance with the policy of non-proliferation it has maintained hitherto.

And whereas the Dominican Republic upholds its commitment to further the goals of the United Nations in combating threats to international peace and security and to cooperate with the international community.

Therefore the Government of the Dominican Republic declares that it does not have any type of weapon of mass destruction in its possession on its territory and that it has no intention of possessing any such weapon or engaging in any activity related to that type of weapon. It also declares that it has not supported and will not support the proliferation of nuclear, chemical or biological weapons to non-State actors and affirms that it is fully prepared to cooperate with the international community on disarmament and non-proliferation of weapons of mass destruction.

With respect to Security Council resolution 1540 (2004), it states the following:

Regarding paragraph 1:

The Government of the Dominican Republic reaffirms its commitment not to provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Regarding paragraph 2:

Article 1 of Act No. 76-02 on the primacy of the constitution and treaties (Code of Criminal Procedure of the Dominican Republic) states that "In applying the law, the courts shall ensure the effective application of the Constitution and of international treaties and their interpretation by the courts established thereby, the standards and principles of which shall apply directly and immediately in cases subject to their jurisdiction and shall always take precedence over the law", thus guaranteeing the implementation of national laws and of international treaties to which the Dominican State is a party.

It should be recalled, in particular, that the Dominican Republic is a State party to the following international agreements related to non-proliferation:

- Biological Weapons Convention

  Status: In effect. Resolution No. 425-72 of 29 November 1972

- Comprehensive Nuclear-Test-Ban Treaty

  Status: In effect. Resolution No. 103-03 of 23 June 2003

- Convention on the Physical Protection of Nuclear Materials

  Status: In the process of depositing the instrument of accession. Resolution No. 444-08 of 10 September 2008

- Geneva Protocol 1925

  Status: In effect. Resolution No. 10-70 of 28 August 1970

- Member of the International Atomic Energy Agency (IAEA)

  Member State since 1957

- Party to the Treaty of Tlatelolco and member of the nuclear-weapon-free zone established by the Treaty

  Status: In effect. Resolution No. 17-70 of 9 September 1970

- Sea-bed Arms Control Treaty

  Status: In effect. Resolution No. 184-71 of 23 August 1971

- Outer Space Treaty

  Status: In effect. Resolution No. 343-68 of 28 August 1968

- Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

  Signed on 1 July 1964 and ratified on 24 July 1971

- State party to the following 10 international conventions:

  - Convention on Offences and Certain Other Acts Committed on Board Aircraft of 14 September 1963
  - Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970
  - Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971
  - Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance of 2 February 1971
  - Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973
  - International Convention against the Taking of Hostages of 17 December 1979
  - International Convention for the Suppression of Terrorist Bombings of 12 January 1998*

* *Translator's note*: the Convention was adopted on 15 December 1997 and opened for signature on 12 January 1998.

- International Convention for the Suppression of the Financing of Terrorism of 10 January 2000**
- International Convention for the Suppression of Acts of Nuclear Terrorism of 14 September 2005***
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation of 10 March 1988, and its Protocol.

It should be noted that the National Congress approved the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the instrument of ratification was deposited by the Dominican Republic on 27 March 2009 and the Convention entered into effect on 26 April 2009.

With respect to domestic legislation, it should be noted that Act. No. 262-43 on explosive substances is in effect.

In July 2008, Act No. 267-08 on counter-terrorism was adopted, prohibiting the development, provision, transport, acquisition or use of nuclear, chemical or bacteriological weapons (articles 1, 7, 10, 13, 14, 17, 25 and 30).

These new measures demonstrate that the Government is firmly committed to international peace and security and is continually updating domestic legislation to meet the requirements imposed by the threats of organized crime, illicit trafficking in all types of weapons and activities related to terrorism.

With respect to paragraphs 3 (a) and (b)

With regard to accounting for and securing sensitive dual-use material related to nuclear, biological and chemical weapons, the Dominican Republic has in place the following legal provisions:

Act. No. 64-00, Comprehensive Environmental and Natural Resources Act: By Decree No. 1680 of 31 October 1964, a National Nuclear Affairs Commission was established to supervise, control and grant the necessary licences for any activity involving nuclear material for peaceful purposes.

The Dominican Republic has a safeguards agreement with IAEA, which entered into force on 11 October 1973, with an additional protocol of 20 September 2007.

With respect to border security and operational customs control, the Dominican Republic is governed by Act. No. 3489 on the Customs regime.

Import controls on nuclear, chemical and biological materials are covered by Act No. 64-00 on the Ministry of the Environment and Natural Resources (articles 99 and 100).

To provide border security, the Dominican State has specialized security units within its Armed Forces, including:

** *Translator's note*: the Convention was adopted on 9 December 1999 and opened for signature on 10 January 2000.

*** *Translator's note*: the Convention was adopted on 13 April 2005 and opened for signature on 14 September 2005.

- The *Cuerpo Especializado de Seguridad Portuaria* (Specialized Port Security Unit (CESEP)), established by Decree No. 144-05
- The *Cuerpo Especializado de Seguridad Aeroportuaria* (Specialized Airport Security Unit (CESA)), established by Decree No. 28-97
- The *Cuerpo Especializado de Seguridad Fronteriza Terrestre* (Specialized Land Border Security Unit (CESFRONT)), established by Decree No. 325-06

In addition, there is the J-2, the Joint Military Staff Intelligence Directorate of the Ministry of the Armed Forces (SEFA).

National plan of action

The Dominican Republic engages in a continuous review process to determine the domestic legislation that is required to complement existing legislation with a view to ensuring the full implementation of Security Council resolution 1540 (2004). It should be noted, however, that in order to comply effectively with its requirements, it has been proposed to establish an Interagency Commission comprising government agencies with jurisdiction in this area, to analyse and identify the regulations in effect within their respective fields of activity. Once this compliance review has been completed by the Interagency Commission, an additional report will be submitted to the Security Council Committee established pursuant to resolution 1540 (2004) and the necessary action identified by each Government agency, including the adoption of regulations on national implementation, will gradually be coordinated.

Need for international assistance

While the Dominican Republic is engaged in an ongoing process to ensure that it meets international requirements, it must continue to receive advice and technical support in some related areas from international organizations, including the United Nations Office on Drugs and Crime and the group of experts of the Security Council Committee established pursuant to resolution 1540 (2004).

Conclusion

The Government of the Dominican Republic is pleased to submit this report and reiterates its intention to continue taking the necessary steps to transmit another report in the near future detailing more precisely the existing domestic legislation on the matter in question and progress on further action taken by the Government for the implementation of Security Council resolution 1540 (2004).